

EMPLOYEE MANUAL



CITY OF SALISBURY

February 2020

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All new hires and current employees are required by federal law to verify their identity and eligibility to work in the United States. You will be required to complete federal Form I-9 on the first day of employment. If this form and verification of employment eligibility is not completed during the first three days of employment, we are required by law to terminate your employment. If you are currently employed and have not complied with this requirement, or if your status has changed, please inform your Supervisor.

4.0 WAGE AND HOUR POLICIES

4.1 FAIR LABOR STANDARDS ACT

The City's pay practices are established in accordance with the federal Fair Labor Standards Act (FLSA) and relevant state law. The Human Resources Director is responsible for determining how FLSA applies to City employees, positions that may be exempt from overtime, and how overtime is to be computed and paid for various work schedules. An employee's pay depends on a wide range of factors including pay scale surveys, individual effort, profits, and market forces. If you have any questions about your compensation, including matters such as paid time off, commissions, overtime, benefits, or paycheck deductions, please speak with your supervisor or Human Resources.

Non-Exempt Employees

Most City employees are paid on an hourly basis and are not exempt from the FLSA. Non-exempt employees will be paid compensated at one and one half times their hourly rate for hours worked over forty (40) hours in a week. Public Safety, Police and Fire, are subject to the 207k exemption under the FLSA.

Holidays, vacation days, and sick leave days do not count as time worked for computing overtime.

Exempt Employees

Executive, administrative, and professional employees are classified as exempt from the overtime requirements of the FLSA and are not entitled to overtime pay for hours worked in excess of forty (40) in a work week. As a general rule, exempt employees are paid a pre-determined salary for any work week in which they perform work or the number of hours worked during that work week. However, an employee need not be paid for any work week in which he/she performs no work.

The City may suspend an employee without pay, for any amount of time, without affecting the employee's exempt status, for violation of safety rules of major significance to the City. Such violation would include a safety or health standard directly applicable to the City's business or the violation of which would or could result in a serious citation under the Occupational Safety and Health Act (OSHA).

The City may suspend an employee without pay, for one or more full days, for serious workplace misconduct in violation of the City's standards of conduct, including, but not limited to, violations of the City's anti-discrimination, sexual harassment, workplace violence, and drug and alcohol policies.

The City is not required to pay the full salary of an exempt employee in his/her initial or terminal weeks of employment if that employee does not work for the entirety of those weeks. The City will pro-rate the employee's salary, in these weeks, in proportion to the days (or time) worked.

The City may deduct from an exempt employee's weekly salary for time that the employee takes as unpaid leave under the Family and Medical Leave Act (FMLA) (whether it is a full-time leave, or intermittent leave or reduced scheduled leave). Employees should review the City's FMLA Policy for further information about such leaves of absence.

The City will deduct partial or full day absences due to personal reasons, sickness or disability from an exempt employee's vacation or sick leave accrual.

4.2 PAY PERIOD

The standard pay period is bi-weekly for all employees. Special provisions may be required from time to time if holidays fall on payroll dates.

Any employee entitled to earn a commission will be paid pursuant to the department's commission plan.

4.3 PAYROLL DEDUCTIONS

The City will make deductions from your pay as mandated by federal or state law and as employees may elect, including, but not limited to the following: federal income tax, state income and unemployment tax, FICA contributions (Social Security and Medicare), premiums for City-sponsored Health Insurance, Deferred Compensation, 401(k) loan payments and savings, premiums for City-sponsored life insurance, payments to the North Carolina Local Governmental Retirement System (defined benefit), garnishments by order of a court competent jurisdiction, Section 125 Medical and Dependent care reimbursements and payments to the North Carolina Local Governmental Employee's Credit Union, North Carolina State Employees' Credit Union and United Way contributions.

The amount of your tax deductions will depend on your earnings and the number of exemptions you list on your W4 Form. If at any time you do not believe that your paycheck is accurate, please contact the payroll office.

4.4 DIRECT DEPOSIT

The City requires that an employee's net biweekly pay be directly deposited to an employee's account with a single financial institution of the employee's choice. Typically, the bank will begin the direct deposit of your payroll within 30 calendar days after you submit your completed application.

The City will provide you with a written explanation of your deductions on paydays in lieu of a check.

4.5 RECORDING TIME

Federal and state laws require us to keep accurate records of hours worked by non-exempt (hourly) employees. Non-exempt employees are required to report in no more than five minutes ahead of time and report out no later than five minutes after your quitting time. Every non-exempt employee of the City of Salisbury is required to enter his/her hours worked accurately, including all lunch periods and any rest periods of more than 10 minutes. Employees are required to notify the City of any pay discrepancies, unrecorded or misreported work hours, or any involuntary missed meal or break periods.

Exempt employees must record time taken for sick, vacation, holiday, or other leave.

Do not complete the time sheet of any other employee or request that he/she do so for you. Please be sure to indicate your days off. Any changes to your time card must be approved and initialized by your Supervisor. ***Intentional Falsification of time records or recording time for another employee may result in discipline, up to and including termination of employment.***

4.6 OVERTIME / NON-EXEMPT EMPLOYEES

At certain times the City may require you to work overtime. We will attempt to give as much notice as possible when overtime is required and to offer overtime opportunities to all employees to the extent possible. The Department Head must approve all requests for overtime in advance. Failure to work overtime when requested or working unauthorized overtime may result in discipline, up to and including termination of employment.

4.7 CALL BACK POLICY

The City of Salisbury provides around-the-clock services to its citizens. Accordingly, certain employees are required to be "on-call" periodically in the event of an emergency. Employees scheduled for on-call must adhere to the following guidelines:

All employees who are included in the on-call rotation must have their home and cell phone numbers on record with their supervisor, Division Manager, and Department Head.

Call Back Compensation

Non-exempt employees who are *subject to call* (not scheduled, no restriction on their personal activities and low likelihood of having to return to work) will be paid a minimum of two hours' wages for being called back to work outside of normal working hours. Public Safety, Police and Fire, are subject to the 207k exemption under the FLSA.

- Any hours actually worked in excess of 40 hours will be compensated at one and one half times (overtime).
- Sick, vacation, and holiday hours are not considered to be hours worked for the purposes of calculating overtime.
- Non-exempt employees who are subject to call and are able to resolve a work related issue over the phone may be compensated at 15-minute increments.

Non-exempt employees who are *scheduled on-call* (approved in advance by the Supervisor /Manager and Department Head) will receive a stipend for their on-call week and will be paid a minimum of two hours' wages when called back to work.

- Any hours actually worked in excess of 40 hours will be compensated at one and one half times (overtime).
- Sick, vacation, and holiday hours are not considered to be hours worked for the purposes of calculating overtime.
- On-call schedules will be coordinated by Division Managers, with the approval of the Department Director.
- An employee who is scheduled on-call, but does not respond, will report to the supervisor at the beginning of his/her next shift to discuss the reason for the non-response; if an employee fails to respond, on-call compensation may be forfeited, in addition to any disciplinary action.

In accordance with the FLSA, travel time from the home location to the primary work site is not compensable.

4.8 ATTENDANCE POLICY

Employees are responsible for arranging and conducting their personal affairs and health care in a manner that minimizes their absence from work.

Employees must notify their Supervisor, or phone in to a number designated by their Supervisor, as soon as possible and at least one hour prior to their shift, for each day of absence or each occasion of tardiness. The Supervisor may authorize exceptions to the call-in requirement for an extended absence or in unusual circumstances. If an employee is absent for three entire workdays without notifying the Supervisor (no call/no show),

the employee will be considered to have abandoned his or her job and voluntarily resigned.

Absence is defined as any unplanned time off for which the employee was otherwise scheduled to work. Tardiness is defined as being late reporting for work at the start of a scheduled work day, when returning from lunch, or when returning from break.

Employees may be required to provide documentation of any medical or other excuse for being absent or late.

Supervisors have the primary responsibility for:

- Monitoring the attendance of all employees who report to them.
- Determining and recording the excusability of absences and tardiness uniformly as specified in this manual.
- Counseling and disciplining employees who have poor attendance and punctuality.
- Regularly communicating attendance policies, including the necessity of advance notification of absences, to all employees who report to them.

Excused/Unexcused Absences and Tardiness:

Reason/Condition Of Employees Tardiness Or Absence	How Counted and Recorded
Employee was able but did not call	Unexcused, not paid
Absence or tardiness is for one hour or more, employee has accumulated leave time, and reason fulfills leave time criteria	Excused, paid Annual or Sick Leave
Absence or tardiness for reason that fulfills criteria for Sick Leave but employee has exhausted Sick Leave	Excused, paid Annual Leave

Tardiness is for less than one hour but fulfills criteria for Sick Leave	Excused, paid
Tardiness for less than one hour and reason is unavoidable	Excused, paid
Absence or Tardiness is for reason that was avoidable	Unexcused, not paid

- Time not paid must be in increments of fifteen (15) minutes or more.
- Time must be entered correctly.

Disciplinary Action Steps

Employees who have unexcused tardiness and absences will be disciplined in progressive steps as follows:

Combined Number of Unexcused Absences and Tardiness in Prior 12 months	Disciplinary Action Step
2	Record of Discussion - Employee is counseled by supervisor.
3	Written Warning - Employee is provided a written warning stating that attendance needs improvement and that a suspension or dismissal will be considered if poor attendance continues.
4	Suspension or Equivalent Employee is provided a written warning stating that attendance is unsatisfactory. At this step, employee may be suspended without pay for one to five days and is warned that dismissal will be considered if poor attendance continues.
5	Dismissal is considered

4.9 JOB ABANDONMENT

If an employee fails to show up for work or call in with an acceptable reason for the absence for a period of three consecutive days, he/she will be considered to have abandoned his/her job and voluntarily resigned from the City of Salisbury.

4.10 TRAVEL AND EXPENSE REIMBURSEMENT

An employee traveling on official business is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and

spending personal funds. Employees should seek the best fares and rates available for commercial airfare, hotel/motel accommodations, rental cars, etc. The City encourages employees to obtain several quotes or estimates of anticipated travel expenses prior to booking travel. Excess costs, circuitous routes, luxury accommodations, and services unnecessary or unjustified in the performance of official business are not acceptable under this standard. The City will reimburse the employee traveling on authorized City business for all legitimate expenses incurred as a result of the travel as authorized per this procedure. Employees will be responsible for unauthorized costs and any additional expenses incurred for personal preference or convenience.

The Department Head is responsible for monitoring the initial need for the travel and the availability of funds, and approving all travel. The same procedures for approval and reporting of travel expenditures apply to both in-town and out-of-town travel.

Before incurring travel or other expenses on behalf of the City, employees must obtain approval from their Department Head or City Manager, as the case may be.

For details, please refer to the **Travel and Expense Reimbursement Policy found in the Appendix**. Willful violations of the Travel and Expense Reimbursement Policy may result in dismissal from City employment or other disciplinary action.

4.11 REST AND MEAL PERIODS

The City strives to provide a safe and healthy work environment and complies with all federal and state regulations regarding rest and meal periods. Your supervisor will advise you of the procedures and schedules for rest and meal breaks. Employees are required to observe scheduled meal and rest periods and to record all time taken for meal breaks and rest periods in excess of ten minutes. If you know in advance that you may not be able to take your scheduled break or meal period, please let your supervisor know; in addition, notify your supervisor at the earliest opportunity if you were unable to or prohibited from taking a rest or meal period.

5.0 PERFORMANCE, COMPENSATION, DISCIPLINE, LAYOFF, AND TERMINATION

5.1 PERFORMANCE EVALUATION

City of Salisbury will make efforts to review your work performance on an annual basis or as business needs dictate. You may specifically request that your supervisor assist you in developing a performance plan at any time.

The performance evaluation process is a means for increasing the quality and value of your work. Your initiative, effort, attitude, job knowledge, and other factors will be addressed. A positive job performance review does not guarantee a pay raise or continued employment. Pay raises and promotions are based on numerous factors, only one of

Follow-up testing- Under Department of Transportation regulations and City Policy, if an employee is allowed to return to duty following referral, evaluation, and treatment, a minimum of 6 unannounced alcohol and/or drug tests will be required during the next 12 months of employment. Follow-up testing may continue for up to 6 months following return to duty at the City's discretion, based on recommendations from the EAP.

For details please refer to the Drug Testing Policy found in the Appendix.

5.10 DISCIPLINARY PROCESS

Violation of City policies or procedures may result in disciplinary action including record of discussion, written warnings, demotion, transfer, suspension, or termination of employment. The City encourages a system of progressive discipline depending on the type of prohibited conduct. However, the City is not required to engage in progressive discipline and may discipline or terminate an employee where he or she violates the Standards of Conduct, or where the quality or value of the employee's work fails to meet expectations at any time. Again, any attempt at progressive discipline does not imply that your employment is anything other than on an "at will" basis.

In appropriate circumstances, management will provide the employee first with a record of discussion, then with a written warning, and if the conduct is not sufficiently altered, eventual demotion, transfer, suspension, or termination of employment. However, discipline may be initiated with any of these actions. Your supervisor will make every effort possible to allow you to respond to any disciplinary action taken. Understand that while the City of Salisbury is concerned with consistent enforcement of our policies, the City is not obligated to follow any disciplinary or grievance procedure and that depending on the circumstances, employees may be disciplined or terminated without any prior warning or procedure.

5.11 PROBLEM SOLVING PROCEDURE

We strive to provide a comfortable, productive, legal, and ethical work environment. To this end, the City of Salisbury wants you to bring any problems or concerns you have about the work place to the attention of your supervisor or, if necessary, to Human Resources. The types of problems or concerns that you might utilize the problem solving procedure for include, but are not limited to, the following:

- Discrimination based on age, sex, race, color, national origin, religion, creed, political affiliation, sexual orientation, gender identity, or disability in the denial of promotion, training, transfer, demotion, termination, or reduction in force
- Retaliation against an employee (denial of employment, promotion, training, transfer, or equal opportunity for compensation, or discrimination when an employee is subjected to demotion, reduction in force, transfer, or termination)

- Unlawful workplace harassment based upon age, sex, race, color, national origin, religion, creed, sexual orientation, gender identity, or disability, including both quid pro quo and hostile work environment
- Any retaliatory personnel action for reporting improper government activities ("whistle blower")
- Violation of Title VII, the FLSA, Age Discrimination in Employment Act, Family and Medical Leave Act (FMLA), or Americans with Disabilities Act (ADA)
- Any management or Human Resources referral to the Employee Assistance Program

If you believe there is inappropriate conduct or activity on the part of the City, management, its employees, vendors, customers, or any other persons or entities related to the City of Salisbury, bring your concerns to the attention of your supervisor at a time and place that will allow the supervisor to properly listen to your concern. Most problems can be resolved informally through dialogue between you and your immediate supervisor. If you have discussed this matter with your supervisor before and do not believe you have received a sufficient response, or if you believe your supervisor is the source of the problem, present your concerns to Human Resources. Please indicate what the problem is, those persons involved in the problem, efforts you have made to resolve the problem, and any suggested solution you may have.

(See Appendix for the Employee Concern Form)

You may also call the Fraud Hotline at any time (704) 216- 7534

5.12 GRIEVANCE POLICY

The City offers regular full-time and part-time employees, except the City Manager, a process through which they can seek to resolve grievances in a fair and equitable manner, without an employee fearing discrimination, coercion, retaliation, restraint, and reprisal, for a more effective employer/employee relationship that is in the best interest of all affected. Employees in their orientation period and temporary employees are not covered by this policy.

Outside representatives, including legal counsel, are not allowed to be present during the Grievance Process.

The following are objectives of the City's grievance procedure:

- Assure employees of a way in which they can get their problems or complaints heard and, if possible, resolved
- Encourage the employee to express himself/herself about how the conditions of work affect him/her as an employee